

TENNESSEE REGULATORY AUTHORITY

Sara Kyle, Chairman
Lynn Greer, Director
Melvin Malone, Director



460 James Robertson Parkway
Nashville, Tennessee 37243-0505

January 11, 2002

Guy Hicks, Esq.
BellSouth Telecommunications, Inc.
333 Commerce St., Suite 2101
Nashville, TN 37201-3300

In Re: Petition for Interconnection by Cinergy Communications Company Against
BellSouth Telecommunications, Inc.
Docket No. 01-00987

Dear Mr. Hicks:

On November 9, 2001, the Authority received the Petition for Arbitration of an Interconnection Agreement between Cinergy Communications Company and BellSouth Telecommunications, Inc. In its Petition Cinergy Communications Company (Cinergy) claims that the TRA has jurisdiction over this matter pursuant to 47 U.S.C. 252(b). Cinergy states that the parties entered into negotiations on May 30, 2001 to replace the existing interconnection agreement which expired on November 29, 2001.

Pursuant to Section 252 (b)(1) of the Telecommunications Act of 1996,

During the period from the 135th to the 160th day (inclusive) after the date on which an incumbent local exchange carrier receives a request for negotiation under this section, the carrier or any other party to the negotiation may petition a State commission to arbitrate any open issues.

On December 4, 2001, BellSouth filed its Response to Cinergy Communications Company's Petition for Arbitration. In its response BellSouth states that Cinergy submitted eighteen (18) issues that were not discussed during negotiations and eleven (11) issues that Cinergy agreed were previously resolved. Further, BellSouth agrees that negotiations between the parties commenced on May 30, 2001.

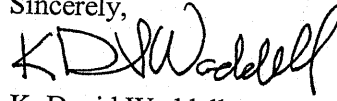
A data request was issued on December 14, 2001 for clarification of the "window" as set forth in the 1996 Act. The parties filed a joint response on December 19, 2001 stating that this arbitration was within the window. However, the response failed to provide the date certain that negotiations commenced as required by the Act.

Therefore, to assist the TRA in its continued review of this petition, please respond to the following. Explain all answers in detail.

1. On what date certain was the request for negotiation received by BellSouth pursuant to Section 252(b)(1) of the Telecommunications Act of 1996? Please provide a copy of the request if made in writing.
2. How many days had expired between the date provided in response to item Number 1 and the filing of this petition for arbitration on November 9, 2001? Please provide a detailed explanation of how you arrived at this number.

This information should be provided by January 18, 2001. If you have any questions or need clarification, please contact Darren Darnell at (615) 741-2904, ext. 203.

Sincerely,

A handwritten signature in black ink, appearing to read "K. David Waddell". The signature is stylized with a large, looped "K" and a cursive "Waddell".

K. David Waddell
Executive Secretary

Xc: Docket file
Henry Walker, Esq.